

1981

## Copyright, protector of photographers

Nancy J. Anders  
*University of Northern Iowa*

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## Copyright, protector of photographers

### Abstract

Introduction to the Problem Information obtained from the 1981 Occupational Handbook cites the number of photographers in the employment force of the United States to be over 93,000. Those numbers, increasing at a phenomenal rate necessitates the ability of photographers to become aware and up-to-date to the responsibilities and rights they as professionals must maintain.

COPYRIGHT  
Protection  
for  
Photographers

A Research Paper  
Submitted to  
The Department of Curriculum and Instruction  
In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts

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by  
Nancy J. Anders  
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This Research Paper by: Nancy J. Anders

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July 24, 1981  
Date Approved

Roger A. Kueter  
Director of Research Paper

July 24, 1981  
Date Approved

Robert R. Hardman  
Graduate Faculty Advisor

July 24, 1981  
Dated Approved

Gary Braman  
Graduate Faculty Reader

7/24/81  
Date Approved

Ernest K. Dishner  
Head, Department of Curriculum  
and Instruction

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## Chapter I: Introduction

### Introduction to the Problem

Information obtained from the 1981 Occupational Handbook cites the number of photographers in the employment force of the United States to be over 93,000. Those numbers, increasing at a phenomenal rate necessitates the ability of photographers to become aware and up-to-date to the responsibilities and rights they as professionals must maintain.

Why are so many turning to a career in photography? This may be due to the fact that photography as a career offers not only self-employment opportunities, but flextime schedules, independence, creativity and public recognition. These seemingly conducive elements make for a high degree of job satisfaction. Therefore a career in photography appears to be quite inviting. However, it is because of the tempting occupational benefits and increasing competition that the need for photographers to be aware of the laws and rights they must adhere to is paramount. More emphatically stated: Knowledge and application of the legal responsibilities is

one of the key elements to maintaining a successful photographic career.

New photographers are entering the field without any idea of the legal ramifications a photographer must deal with. Because of this, there are two prominent books out today written by lawyers who specialize in photographic law. The books are intended to aid the newly established photographer in the ways of the photo world. It was necessary to refer to extraneous sources of information such as legal encyclopedias, law reviews, and books dealing with the subject of mass communication law. Many rights and regulations that pertain to mass communication are also inherent to photography.

#### Statement of the Problem

This research paper intends to answer the following question: What must photographers know about copyright in order to aid and protect themselves in the eyes of the court and the public? Because of the broad scope of job opportunities in the photographic industry, this research is limited in that it primarily deals with situations that

concern the amateur and professional freelance photographers. It must be emphasized that these basic legal rules and regulations are fundamental and applicable to all genre of photographers.

To set a level of this seriousness for this paper, let it be said that in the eyes of the law, ignorance is never a defense. When the choice to become a photographer, amateur or professional, is made, standards and regulations must be adhered to, thus insuring a successful career.



## Chapter II: Review of Literature

### Introduction to the Literature Review

As of January 1, 1978, the United States of America put into affect a revision of the 1909 Copyright Law, title 17 of the United States Code, that was proposed and passed in 1976. This year of 1976 was not the beginning year of drafting for the revision. Initial research and documentation began some twenty years earlier. Through the efforts of politicians, attorneys and lawyers, professional organizations such as the American Society of Magazine Photographers, and independent photographers, this new revision was able to materialize. This review will expose the important revisions of the copyright law that are of particular importance to the photographer.

### Literature Review

An appropriate question would be, "Why revise the copyright laws and for what purpose?" In 1865, an amendment to the United States Copyright Law stated that "the provision of the Copyright Act, shall extend to and include

photographs and the negatives...hereafter be made." (Chernoff, 1977, p. 76)<sup>2</sup>. Here was the first mention of photography in copyright. Another revision came in 1909 and for sixty-six years this revision has held strong. "No mention of radio, television, tape recording, photocopying, microfilm or computer storage is included in the 1909 law." (Chernoff, 1977, p. 74)<sup>2</sup>. Because of these technological advances in equipment and processes the sixty-six year old law could hardly remain unrevised. (Cavallo, 1976, p. 55)<sup>1</sup>.

The effectiveness of the utilization of a 66 year-old law in the establishing an outcome of court cases arising from copyright infringements is ludicrous.

Fortunately, on the 19th of October, 1976, President Gerald Ford signed a bill for a general revision of the United States Copyright Law. This was to be known as Public Law 94553. The revision was to become effective January 1, 1978, and until then the 1909 law would remain in force. (Chernoff, 1977, p. 85)<sup>2</sup>.

Due here is an explanation of the meaning of copyright and the purpose there of. According to Cavallo, the

gist of the copyright law grants protection against copying, without permission, the copyrighted work of another, or using that work to create a substantial duplication. (Cavallo, 1976, pp. 55-56)<sup>2</sup>.

Copyright as opposed to Patents and Trademarks, "provides incentive for limited time, to authors and inventors, and promotes the progress of the Arts and the Sciences." (Henn, 1979, p. 1)<sup>4</sup>.

A copyright exists to protect 'expression' of the authors, rather than the ideas. Patent protects the discoveries and inventions of persons where the invention is useful, new and non-obvious. The trademark is a trade symbol used by someone to identify that individual's goods. Trademark distinguishes these goods from others and protects the goodwill of the trader and protects the public against deception. (Spring, 1952, p. 76)<sup>9</sup>.

The purpose of copyright is to protect the work of an author (herein to be referred to as photographer) from being copied, without the permission of the copyright proprietor.

What does it mean to copy? Judge Baily defines copy "as a reproduction of duplication of a thing. Copy is also that which comes so near to the original as to give every person seeing it the ideas created by the originals." (Rothenberg, 1960, p. 170)<sup>8</sup>.

Why is copyright necessary? According to Robert Germann, president of Wisconsin Professional Photographer's Association, "there are those that accept the probability of someone eventually copying their photographs and that in reality this happens so rarely, that to take it seriously is unnecessary. Then, there are those photographers who, through marketing and sales of their photographs, earn a living. To these persons, infringement of their copyright means losing the money they have a right to receive. It also indicates that inferior reproductions of their work are being passed off as their own. Situations as such can cause a great deal of embarrassment to the photographer whose work is illegally copied. (Germann, 1981, p. 60)<sup>6</sup>.

The Writer's Guide to Copyright enumerates the reasons for copyright registration.

1. The photographer can formally establish the existence of a work by placing notice of copyright on the individual photographs. This notice also signals others of the ownership in copyright and reduces the temptation to copy illegally.

2. Having work (photographs) copyrighted will establish the photographer as a professional in the eyes of the Internal Revenue Service. Deductions on photographic equipment and expenses can then be more easily justified.

3. Because works are registered with the Copyright Office it becomes easier for those who wish to legally reproduce the works to contact the owner for permission. In this sense, copyright registration increases the income of the photographer.

4. Registration of unpublished works can protect those works from possible infringements and establishes ownership. Perhaps the most important benefit from registration is that registration is a prerequisite to any and all legal action involving a suit of infringement of copyright protection. (Herron, 1979, p. 10)<sup>5</sup>.

It should be noted that registration of copyright within three months of publication insures the photographer of the maximum of statutory damages and protection. Late registration will waive those damages and the court will not award them in a legal action for copyright infringement.

Copyright revision Of the revisions in the Copyright Law, the following points have the greatest relevance to photographers.

In the area of ownership, that is the ownership of copyright, there was a major shift in the law. Previous to the 1978 effective date any work done by a freelance photographer for a client was the property of that client. The client therefore had the right to copyright. As of 1978, the copyright is retained on the freelance assignment by the photographer. This new rule holds in every situation except that in which the work done by a photographer is made for hire. 'Made for hire' is the phrase that describes the work of a photographer that is done while on duty or as a regular employee. In this situation the copyright ownership belongs to the employer unless otherwise agreed upon in a contract. (ASMP, 1979, p. 62)<sup>7</sup>.

This new emphasis of ownership has cleared up an issue that has risen time and time again in right of ownership disputes.

The importance of declaring ownership of copyright is preceded on the idea of who has ownership of the negatives and prints in question.

Traditionally, when a photographer photographs persons or scenes of his own accord and at his own expense these pictures are considered to be gratuitous photographs. (Cavallo, 1976, p. 15)<sup>1</sup>. Only a model release is necessary when persons are identifiable in the photograph. The retention of a model release protects the photographer against possible suits on grounds of invasion of privacy and gives to the photographer the right of ownership of the negatives, prints and the right to ownership of the copyright.

In cases where the photographer makes prints for a client or employer, the photographer can claim ownership of the negatives only and the ownership of the copyright belongs to the client or employer. This situation demonstrates that the ownership of copyright is separate or divisible from the ownership of the material in question,

'the photographs'. Copyright has always been and is conceived as a non-physical right entirely apart and distinct from the paper, writing or other object which it protects. (Spring, 1952, p. 76)<sup>9</sup>. Coincidentally, the photographer who has ownership can transfer that ownership rights to another party in full or partiality.

Transfer of copyright is usually accomplished through specified wording in the contract between a photographer and (for example) a magazine publisher. Most rights transferred in the contract are assigned back to the photographer after the first publication. Because this is not always the case, every contract should be read carefully and fully understood. If it becomes necessary to hire an attorney by all means don't hesitate.

The exclusive rights of the owner of copyright are:

...The owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

1. to reproduce the copyrighted work in copies or phonorecords;



2. to prepare derivative works based upon the copyrighted work;

3. to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease or lending;

4. in the case of literary, musical, dramatic and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly; and

5. in the case of literary, musical, dramatic and choreographic works, pantomimes, and pictorial, graphic or sculptured works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly. (Chernoff, 1977, p. 89)<sup>2</sup>.

The exclusive rights belong to the proprietor of copyright and can be assigned to another through contractual stipulation. Before 1978 it was almost impossible for a photographer to terminate an assignment of copyright. The new law makes such a termination of copyright assignment possible. This is especially advantageous to the photographer, who may have been forced to sell or assign a photograph below the actual value because of financial need.

The new law enables the photographer to retain the copyright in a five-year grace period between 35 and 40 years after the transfer was effected. There is a minimal fee and the transfer must take place within this grace period or the right to reclaim the copyright is lost forever. This law will enable a photographer to profit or benefit from the increased value of a photograph that may have been assigned away many years before. (Herron, 1976, p. 2)<sup>5</sup>.

Concept and attainment Copyright involves two concepts; Common law protection and Federal statutory copyright.

Until the 1976 revision the states carried protection for the common law copyright of unpublished works. The Federal courts protected published works. This has been changed from a dual to a single system in which the federal courts protect both published and unpublished copyrights. (Herron, 1979, p. 2)<sup>5</sup>.

Common law protection begins according to the new law at the time of creation of a photograph. Under common law protection the photograph is copyrighted (without registration) as long as the photo remains unpublished. The

moment of publication is the dividing line in the extent of common law protection. Publication is defined as the "making of available (of a photo) to the public in some way, by sale or public distribution of copies...or...by dissemination of work among the public...in a way as to make the work available to the public at large." (Cavallo, 1976, p. 56)<sup>1</sup>.

Originally, under the 1909 act, placing a photograph in exhibition designated that photo as being published therefore placing it in the public domain. Today exhibition does not constitute publication. Although the photographer must make sure that restrictions on copying or photographing work at the exhibition have been made and enforced. If this is not done then the copying constitutes publication and the common law protection would cease to be valid. (Cavallo, 1976, p. 56)<sup>1</sup>.

Copyright protection may be secured by two additional means. Both can be achieved by registering the works with the Copyright Office in Washington, D.C. Unpublished works are registered under an unpublished statutory copyright and published works under a published statutory copyright.

An advantage of an unpublished statutory copyright is that an official registration makes illegal use of copyright easier to prove than by having that photograph protected by common law only. Fee and application forms are necessary for both statutes. "When a photograph reaches the stage of publication, a published statutory copyright should be secured." (Cavallo, 1976, p. 57)<sup>1</sup>.

The revision of particular importance dealing with the types of copyright secured, is one that changes the length of time a copyright protects the photography. Under the 1909 statute, statutory copyright, published or unpublished, held for twenty eight years from the date of publication and or registration. Provisions for the renewal came after that initial twenty-eight years. After that the proprietor of copyright could renew copyright protection for an additional twenty-eight years. (Cavallo, 1976, p. 57)<sup>1</sup>.

Under the new statute, copyright lasts for the author's life plus 50 years. (Franklin, 1977, p. 444)<sup>3</sup>.

Protection of copyrights. In protecting the copyright of a photograph the photographer has two choices: (1)

include the proper copyright notice and; (2) register the photograph with the Copyright Office in Washington.

Proper notice should be included on all photographs, negatives, published or not, registered or not. (ASMP, 1979, p. 63)<sup>7</sup>. The following must be stated in the notice; the word copyright or the symbol, name of the photographer and the date of first publication. This information must read in that order. Here is an ideal example of a copyright notice:

Copyright © Priscilla Photographer (19\_\_)

All Rights Reserved

Incidentally, the inclusion of the phrase 'All Rights Reserved' provides copyright protection under an international copyright designated at the Buenos Aires Convention. (Cavallo, 1976, p. 58)<sup>1</sup>.

As far as the placement of notice is concerned, the Copyright Office permits a certain degree of flexibility.

The photographer can permanently secure, using labeling cement or perhaps sewing, a notice to the front or back of the copies.

The other alternative is to attach a tag, with the proper notice on it, to the copy as long as it is visible throughout the "normal channels of commerce." (ASMP, 1979, p. 64)<sup>7</sup>.

Previous to the 1976 law revision, the old statute stated that any omission of copyright notice resulted in the loss of copyright protection and threw the photograph in to the public domain forever. Modifications of this ruling have provided several safeguards which could prevent the loss of protection in the case of omission of copyright notice. (ASMP, 1979, p. 64)<sup>7</sup>.

For example, if a small number of copies, without proper notice are distributed to the public, the copyright will not necessarily be lost. There must be an attempt made to rectify the omission. In the case of a photograph being published without notice, the photographer has at the most five years in which to register the copyright without it becoming invalid. (ASMP, 1979, p. 64)<sup>7</sup>.

In the fact that the new ruling is more lenient on the behalf of the photographer, it also makes it more difficult for the photographer to prosecute an infringer of his

copyright, who may have been misled by the omission of the notice of copyright.

The second method of protecting a copyright is to register the photograph with the Copyright Office in Washington, D.C. Here is the address: Register of Copyrights, Library of Congress, Washington, D.C. 20540.

From the Register, the photographer will receive an application form. Usually this will be a Class 'VA' form. Class VA is the basic form for all works in the visual arts. Since the form is self-explanatory, it is relatively easy to fill out. The form, along with two copies of the photograph (only one copy if the work is unpublished) and a ten dollar filing fee is sent to Washington. Every photograph should have notice of copyright and a title, appearing directly on the photograph. (ASMP, 1979, p. 64)<sup>7</sup>.

Rather than registering several photographs individually the photographer can choose to register many photographs in bulk. The procedure is this: compile the desired photographs to be registered, make sure proper notice is on each one, photograph all the photos on a composite sheet. In doing the composite, all the photographs are included in

the one print. Now it will be necessary to effect publication. This can be done by distributing copies to friends. Two copies must then be sent to the Register along with the 'VA' form and the ten dollar filing fee. (Chernoff, 1977, p. 80)<sup>2</sup>.

Similar to the above method, the photographer can compile desired photographs into book form. With the inclusion of a title page and a cover, the book can be bound simply with staples. Publication could consist of selling a few copies to friends or asking the library to display the book on its shelves. (Chernoff, 1977, p. 81)<sup>2</sup>. Application form 'J' (a sub-category of 'VA') will be filed along with ten dollars and two copies of the best edition of the book. The one drawback of this method is that the photographer will find it necessary to prepare several copies of the book and this could be somewhat expensive. (Chernoff, 1977, p. 81)<sup>2</sup>.

Damages and remedies What is infringement of copyright? Infringement of copyright can be defined as an invasion of the photographer's work. Once a copyright has been secured the photograph is protected against any un-



authorized uses. This includes protection against copying the photograph in the same medium or in any other media. (Chernoff, 1977, p.66)<sup>2</sup>.

The infringers intent plays a great role in litigation of infringement cases. Until 1976, this area was fairly vague. No rules or regulations had been established per se. Therefore, individual cases were decided upon by precedence of previous case rulings.

This area known as the area of 'Fair Use', has been revised into the 1976 statute as the Doctrine of Fair Use. The doctrine permits use of copyright work, without compensation or permission of the copyright owner in limited situations. (ASMP, 1979, p. 66)<sup>7</sup>.

Those situations include use in criticism, comment, news reporting, teaching, scholarship and research. (Henn, 1979, pg. 154-155)<sup>4</sup>.

Four standards have been established in order to determine 'Fair Use':

1. the purpose or the character of the use, whether the use was commercial in nature or had a non-profit educational purpose.

2. nature of the copyrighted material.

3. amount and substantiability of the portion used in relation to the copyrighted work as a whole.

4. the effect of the use upon the potential market or value of the copyrighted work. (Henn, 1979, p. 155)<sup>4</sup>.

By utilizing these criteria, a judge may find it extremely easy to differentiate between an innocent infringer and the pirate of copyright.

After the degree and type of infringement has been determined, the copyright owner has two avenues of remedies available to choose from. The photographer can sue for actual damages. Those are damages suffered because of the unlawful use of copyright. This could include the infringers profits directly related to the infringement. The second avenue would be to sue for statutory damages. (ASMP, 1979, p. 65)<sup>7</sup>.

Statutory damages could include any or all of the following: Damages from 250 to 10,000 dollars. Where the infringers' intent was deemed willful, the dollar fine may be increased to 50,000 dollars. In the case of the innocent infringer, the fine may be reduced to 100 dollars. (ASMP, 1979, p. 65)<sup>7</sup>.

The person guilty of infringement will also be liable to an injunction restraining the infringement. It may also be necessary to impound or destroy the illegal articles produced by the infringer. The copyright owner may be able to secure any profits made by the infringer's illegal use of the copyrighted material. (Rothenberg, 1960, p. 192)<sup>8</sup>.

In the majority of cases involving statutory damages, the damages allowed to the owner of copyright are up to the discretion of the presiding judge. (Rothenberg, 1960, p. 192)<sup>8</sup>.

### Chapter III: Summary and Conclusion

A statement that says being a photographer is simple, becomes an understatement upon the moment of utterance. Mere possession of a camera does not constitute the being of a photographer. Success is dependent upon talent, creativity, technical skill and the awareness of the legal responsibilities inherent to a career in photography.

This research paper does not begin to cover all the legal aspects involved with photography. Issues such as obscenity, libel, slander and right of privacy require research worthy of doctoral thesis. The emphasis of this paper is directed towards the most concrete of all those areas, copyright.

This protection of copyright, provided by the United States Code title 17, redefines eligibility for protection as being: "Any original works of authorship fixed in any tangible medium of expression, from which they can be perceived, reproduced or otherwise communicated." (WIPO, 1979)<sup>10</sup>. This means any photograph a photographer arranges, poses, lights, shoots, develops and prints is eligible for copyright protection.

The many years devoted towards the revision of the outdated 1909 act affords today's photographer with more control of original property under that protection of copyright. Fundamental revisions in copyright ownership, length of copyright protection, transfer of rights and the establishment of a doctrine of 'Fair Use' give photographers maximum protection. Protection that enables them to create an economic livelihood without the fear of someone else stealing or misusing their copyrighted works.

Even though copyright is available for all eligible work, it becomes the responsibility of the photographer to secure and uphold the stipulations set by the code. If one does not take the time to apply and pay for copyright registration there will be no copyright protection. This means protection in the form of court protection. I suppose a photographer could lock up all his desired photos in a closet for protection, but this tends to seriously hamper the photographers chances of making a living.

The revisions were necessary. Technology tends to run rampant these days and with the advent of new processes and equipment in the area of photography alone, it seems

only justifiable to revise the copyright law. The photographer should view this as a triumph, but should not forget his responsibility to secure that copyright.

As a photographer I would ask myself which photographs were important enough or worthy enough to register? Could or would I dutifully conform to the proper notice stipulations? Would I ever consider publication? These questions and others, are necessary in order to determine whether copyright registration is advantageous to the photographer.

I'd like to emphasize a concern I have and one every photographer who aspires to publish, should have. Realize the strength of a well drawn-up contract. This contract is your ticket to smooth sailing, in a legal sense. A contract, when fully understood and agreed upon, by both parties, eliminates any possible confusion that might arise if legal action is instigated.

I have acquired through my experience a healthy attitude towards contracts. They can be your friend or your enemy. A photographer will rarely go through a day without confronting a contract in one form or another. This makes it important to recognize a good contract before signing it.

In conclusion, I'd like to show an association linking copyright and contract. A copyright is in a sense, a contract between the photographer and the government. It guarantees the protection of the photographers ownership of creative expression. The contract between the photographer and client is the only means for a guarantee the photographer has available. To be safe and secure the photographer should acquire both.

## REFERENCES CITED

- <sup>1</sup> Cavallo, Robert M., Kahan, Stuart. Photography What's the Law. New York: Crown Publishers, Inc., 1976.
- <sup>2</sup> Chernoff, George, Sarbin, Hershel. Photography and the Law. 5th ed. New York: American Photographic Book Publishing Co. Inc., 1977.
- <sup>3</sup> Franklin, Marc A., The First Amendment and the Fourth Estate, Communication Law for the Undergraduates. Mineola, New York: Foundation Press, Inc., 1977.
- <sup>4</sup> Henn, Henry G., Copyright Primer. New York: Practicing Law Institute, 1979.
- <sup>5</sup> Herron, Caroline Rand. A Writer's Guide to Copyright. New York: Poets and Writer's Inc., 1979.
- <sup>6</sup> Germann, Robert. "The Copyright Question." The Professional Photographer. Vol. 108, No. 2025. (February, 1981), p. 60.
- <sup>7</sup> Kopelman, Arie (ed.). ASMP Professional Business Practices in Photography. New York: Pennyfeather Press, Inc., 1979.
- <sup>8</sup> Rothenberg, Stanley. Legal Protection of Literature, Art, and Music. New York: Clark Boardman Co., Inc., 1960.
- <sup>9</sup> Spring, Samuel. Risks and Rights in Publishing, Television, Radio, Motion Pictures, Advertising and the Theater. New York: W.W. Norton and Company, Inc., 1952.
- <sup>10</sup> World Intellectual Property Organization. Copyright Law Survey. Geneva, WIPO, 1979.



## BIBLIOGRAPHY

- <sup>1</sup> Ahlers, Arvel W., Webb, Paul V. Where and How to Sell Your Pictures. 6th Ed. New York: American Photographic Book Publishing Co. Inc., 1969.
- <sup>2</sup> Cavallo, Robert M., Kahan, Stuart. Photography What's the Law. New York: Crown Publishers, Inc., 1976.
- <sup>3</sup> Chernoff, George, Sarbin, Hershel. Photography and the Law. 5th ed. New York: American Photographic Book Publishing Co. Inc., 1977.
- <sup>4</sup> Clark, David G., Hutchison, Earl R. (eds.). Mass Media and the Law Freedom and Restraint. New York: Wiley-Interscience, Divis. of John Wiley and Sons, 1970.
- <sup>5</sup> DevoI, Kenneth S. Ph.D. Mass Media and the Supreme Court the Legacy of the Warren Years. 2nd ed. New York: Hastings House Publishers, 1976.
- <sup>6</sup> Franklin, Marc A., The First Amendment and the Fourth Estate, Communication Law for the Undergraduates. Mineola, New York: Foundation Press, Inc., 1977.
- <sup>7</sup> Germann, Robert. "The Copyright Question." The Professional Photographer. Vol. 108, No. 2025. (February, 1981), p. 60.
- <sup>8</sup> Henn, Henry G., Copyright Primer. New York: Practicing Law Institute, 1979.
- <sup>9</sup> Herron, Caroline Rand. A Writer's Guide to Copyright. New York: Poets and Writer's Inc., 1979.
- <sup>10</sup> Kopelman, Arie (ed.). ASMP Professional Business Practices in Photography. New York: Pennyfeather Press, Inc., 1979.
- <sup>11</sup> Rivers, William L., Schramm Wilbur, Christians, Clifford, G. Responsibility in Mass Communication. New York: Harper and Row, Publishers, 1980.

## BIBLIOGRAPHY CONTINUED

- 12 Rothenberg, Stanley. Legal Protection of Literature, Art, and Music. New York: Clark Boardman Co., Inc., 1960.
- 13 Sherwin, Robert Veit. Legal Aspects of Photography. New York: American Photographic Book Publishing Co., Inc., 1957.
- 14 Spring, Samuel. Risks and Rights in Publishing, Television, Radio, Motion Pictures, Advertising and the Theater. New York: W.W. Norton and Company, Inc., 1952.
- 15 Committee Reports CCH Editorial Staff Publication. Copyright Revision Act of 1976, Law Explanation. Chicago, IL, 1976.
- 16 World Intellectual Property Organization. Copyright Law Survey. Geneva, WIPO, 1979.